

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

SOUTH CAROLINA COASTAL  
CONSERVATION LEAGUE, SOUTH  
CAROLINA NATIVE PLANT SOCIETY,  
AMIGOS BRAVOS, NATURAL  
RESOURCES DEFENSE COUNCIL,  
SAVANNAH RIVERKEEPER, and  
WATERKEEPER ALLIANCE,

Plaintiffs,

v.

ANDREW R. WHEELER, in his official  
capacity as Administrator of the United  
States Environmental Protection Agency,  
and the UNITED STATES  
ENVIRONMENTAL PROTECTION  
AGENCY,

Defendants.

C/A No. 2:20-cv-03062-DCN

**ANSWERS TO LOCAL RULE 26.01  
INTERROGATORIES BY  
INTERVENOR-DEFENDANT  
NATIONAL HYDROPOWER  
ASSOCIATION**

Intervenor-Defendant National Hydropower Association (“NHA”) makes the following Answers to Local Rule 26.01 Interrogatories in the above-captioned case.

- (A) State the full name, address, and telephone number of all persons or legal entities who may have a subrogation interest in each claim and state the basis and extent of that interest.**

Answer: None.

- (B) As to each claim, state whether it should be tried jury or nonjury and why.**

Answer: All claims should be tried nonjury because this case presents a challenge to agency rulemaking under the Administrative Procedure Act, based upon the record.

- (C) **State whether the party submitting these responses is a publicly owned company and separately identify (1) any parent corporation and any publicly held corporation owning ten percent (10%) or more of the party's stock; (2) each publicly-owned company of which it is a parent; and (3) each publicly owned company in which the party owns ten percent (10%) or more of the outstanding shares.**

Answer: NHA is not a publicly owned company. Furthermore:

- (1) no parent corporation or publicly held company owns 10% of NHA;
- (2) NHA is not a parent of any publicly owned company; and
- (3) NHA does not own 10% or more shares in any publicly owned company.

- (D) **State the basis for asserting the claim in the division in which it was filed (or the basis of any challenge to the appropriateness of the division). See Local Civ. Rule 3.01 (D.S.C.).**

Answer: NHA does not challenge the appropriateness of the division in which this lawsuit was filed.

- (E) **Is this action related in whole or in part to any other matter filed in this district, whether civil or criminal? If so, provide (1) a short caption and the full case number of the related action; (2) an explanation of how the matters are related; and (3) a statement of the status of the related action. Counsel should disclose any cases that *may be* related regardless of whether they are still pending. Whether cases *are* related such that they should be assigned to a single judge will be determined by the clerk of court based on a determination of whether the cases arise from the same or identical transactions, happenings, or events; involve the identical parties or property; or for any other reason would entail substantial duplication of labor if heard by different judges.**

Answer: Counsel to NHA has no knowledge of related matters filed in this district. Plaintiffs have identified in their LR 26.01 Answers to Interrogatories various lawsuits in which both Plaintiffs and government Defendants are named parties. See, e.g., Dkt. 2 at 2. However, as government Defendants explained in their own LR 26.01 Answers to Interrogatories, see Dkt. 37 at 3, these matters present separate challenges to unrelated EPA rulemakings. Therefore, Counsel for NHA provides that there are no related cases in this district, despite Plaintiffs' contentions regarding the following cases:

- *South Carolina Coastal Conservation League v. Wheeler*, No. 2:20-cv-01687-DCN
- *South Carolina Coastal Conservation League v. Wheeler*, No. 2:19-cv-03006-DCN
- *South Carolina Coastal Conservation League v. Pruitt*, No. 2:18-cv-00330-DCN

**(F) If the defendant is improperly identified, give the proper identification and state whether counsel will accept service of an amended summons and pleading reflecting the correct identification.**

Answer: NHA, as Intervenor-Defendant, was not identified in the Complaint. However, NHA is properly identified in its intervention papers and on this Court's docket.

**(G) If you contend that some other person or legal entity is, in whole or in part, liable to you or the party asserting a claim against you in this matter, identify such person or entity and describe the basis of their liability.**

Answer: At this time, NHA has not identified any other person or legal entity that is in part liable to it or other parties.

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This the 20th day of November, 2020.

Respectfully submitted,

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